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November 9, 2008

Mary Ann Stevens  
Mail Code 65-40  
Rules Section  
Office of Water Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Indianapolis, IN 46204-2251

## OFFICIAL COMMENT

2008 NOV 17 P 2:22  
OFFICE OF  
WATER QUALITY  
IDEM

RE: LSA Document #08-764  
1<sup>st</sup> Notice of Comment Period  
*Development of New Rules and Amendments to Rule Concerning  
Antidegradation Standards and Implementation Procedures*

Dear Ms. Stevens:

Thank you for the opportunity to comment on the *Development of the New Rules and Amendments to Rule Concerning Antidegradation Standards and Implementation Procedures*. The Northwest Indiana Forum is a membership based, not for profit regional economic development organization. Our membership currently represents 123 industrial and commercial businesses, financial entities, universities and municipalities within Lake, Porter and LaPorte counties – a diverse group. In total, our membership reflects \$40 Billion in commerce annually on behalf of the State of Indiana.

The Northwest Indiana Forum supports the Indiana Department of Environmental Management (IDEM) in collaboration with the Antidegradation Workgroup in the rulemaking process. Because it is critical that new or renewed permits result in environmental improvement in conjunction with economic development, the rule must provide an explicitly clear procedure where the expected outcome is certain. The antidegradation rule will set forth the conditions on issuance of permits for new and increased discharges to waters of the State of Indiana. Rules concerning antidegradation procedures for Lake Michigan were adopted in 1997 and have been revised several times since. The current rulemaking process will develop a statewide antidegradation rule.

A primary concern regarding antidegradation relates to the practical impacts of implementing the program for discharges. If the rule is not properly vetted with all stakeholder groups during its development, the resulting rule may not provide the clarity necessary to ensure issuance of permits that can withstand public scrutiny. Any delay in the permitting process could place severe restrictions on important social and economic development within the affected communities, without resulting in any significant benefit to water quality. Additionally permit issuance delays could seriously impair attempts to

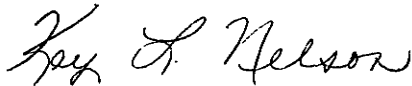
revitalize the local communities through brownfield development and compromise the competitiveness of existing industries by limiting their ability to expand or change technologies.

It is critical that the rules contain appropriate *de minimus* provisions, so that minor increases are not subjected to an expensive, time-consuming regulatory review by IDEM before they can be authorized. Also, it is important for the rules to include appropriate exemptions to antidegradation review for important activities that have significant social or environmental benefits, which should not be delayed or possibly denied by the antidegradation process.

It is important to the economic development capability of the State of Indiana to provide environmental permitting certainty. As industries and municipalities consider capital improvement projects, it is imperative that the environmental permit applicants are able to rely on the environmental permit application and issuance process as defined by Federal and State law when considering the State of Indiana for such projects. The absence of environmental permitting certainty is a detriment to the economic development picture in Northwest Indiana and the State of Indiana as a whole.

The Northwest Indiana Forum looks forward to our continuing participation with IDEM and interested stakeholders in the development of this important rulemaking process.

Sincerely,

A handwritten signature in cursive script, reading "Kay L. Nelson".

Kay L. Nelson  
Director, Environmental Affairs